

Furstenau v. City of Naperville, et al.
Case No.: 07-CV-6143

EXHIBIT A

1 STATE OF ILLINOIS)
SS:
2 COUNTY OF DU PAGE)
3 IN THE CIRCUIT COURT OF DU PAGE COUNTY
FOR THE EIGHTEENTH JUDICIAL CIRCUIT OF ILLINOIS
4
THE PEOPLE OF THE STATE
5 OF ILLINOIS,

ORIGINAL

Plaintiff,

7 vs.) No. 06 CM 302
8 RICHARD FURSTENAU,
9 Defendant.

10 REPORT OF PROCEEDINGS had at the trial
11 of the above-entitled cause, before Hon. CARY
12 PIERCE, recorded on the DuPage County electronic
13 recording system, transcribed by Sandra
14 Gorajczyk, the 21st day of May, A.D. 2007.

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PRESENT:

16 MR. JOSEPH E. BIRKETT, State's Attorney
17 of DuPage County, by
18 MR. ROBERT STANKER,
Assistant State's Attorney,

19 appeared on behalf of The People of the
State of Illinois.

20
21 Sandra Gorajczyk 084-000455
22 DuPage County Courthouse-Room 366 505
North County Farm Road
23 Wheaton, IL 60187
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1 illustrative of that, Judge.

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2 I just wanted to address those two
3 points and with that, the State rests.

4 THE COURT: Thank you. Okay.

5 Well, it's obvious that the incident
6 occurred on or about the 1st of January of '06.

7 The complaint was signed on the 17th of
8 January, '06, initially for battery and
9 subsequently there's been an Information filed,
10 Count 2.

11 Okay. I've considered the totality of
12 the evidence, the burden of proof that's placed
13 upon the prosecution, the State.

14 I have considered the credibility of
15 the witness that testified through stipulation
16 and there's some observations I'm going to make.

17 First of all, there's no wrong or
18 inappropriate behavior shown by Officer Hall.
19 In fact, he probably demonstrated restraint.

20 If there's any contact, it appears that
21 it was incidental and non-provoking.

22 The officer -- any officer must have
23 thick skin in situations dealing with the
24 citizens of any community.

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1 I think this -- what occurred was
2 embarrassing, inappropriate.

3 There's no independent witness that
4 testified that any physical contact took place.

5 The yelling and loud behavior, even though it's
6 not appropriate, there's no independent witness
7 that testified that it was a breach of the peace.

8 Therefore, it's a not guilty
9 Count 1 and 2. Thank you.

10 (WHICH were all of the
11 proceedings had at the
12 hearing of the above-
13 entitled cause, this
14 date.)

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